

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

MONICA REYES, individually,  
and as guardian and next friend,  
Jane Doe, a minor child,

Plaintiffs,

vs.

No. 2:19-cv-00601-GBW-KRS

FRANK RAMOS ARIAS, and  
SILVER CITY CONSOLIDATED SCHOOLS

Defendants.

**PLAINTIFFS' INITIAL DISCLOSURE PURSUANT TO RULE 26(A)(1)**

COMES NOW PLAINTIFF, Monica Reyes, individually, and as guardian and next friend, Jane Doe, a minor child, by and through their attorneys of, Duhigg, Cronin, Spring & Berlin, P.A. (David M. Berlin), and pursuant to Rule 26(a)(1), hereby submits her initial disclosure as follows:

1. **INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION**

At this time, Plaintiffs are aware of the following individuals who are likely to have discoverable information relevant to the disputed facts:

- a. Monica Reyes  
c/o David M. Berlin  
P.O. Box 527  
Albuquerque, New Mexico 87103

Monica Reyes is the mother of Jane Doe, minor child. Ms. Reyes has knowledge regarding the photograph(s) Mr. Arias took underneath the desk of her minor daughter showing her undergarments. It is further anticipated that Ms. Arias will testify as to her child's mental and physical condition before and after the incident giving rise to this lawsuit and how this incident has affected her life.

- b. Jason Ping  
Principal of G.W. Stout Elementary  
c/o Jerry Walz  
Walz & Associates, P.C.  
133 Eubank Blvd. NE  
Albuquerque, NM 87123

It is expected that Mr. Ping will testify as to the events giving rise to this lawsuit, the reporting of the incident to Mr. Pink by Jane Doe, Mr. Ping's actions upon hearing Jane Doe's complaint and the communication Mr. Ping had with Monica Reyes regarding the incident.

- c. Frank Ramos Arias  
c/o Blaine T. Mynatt  
Holt Mynatt Martinez, P.C.  
P.O. Box 2699  
Las Cruces, NM 88004-2699

Frank Arias is a Defendant in this matter. It is anticipated that Mr. Arias will testify regarding his actions of photographing Jane Doe, his Plea and Disposition Agreement, his communication with Jane Doe and any other actions he took after he discovered his actions had been reported by Jane Doe to Mr. Ping.

- d. Audie Brown  
c/o Jerry Walz  
Walz & Associates, P.C.  
133 Eubank Blvd. NE  
Albuquerque, NM 87123

Audie Brown is the Superintendent of Silver City Consolidated Schools. It is anticipated that Mr. Brown will testify regarding his knowledge of the events that took place, giving rise to this lawsuit. It is also anticipated that he will testify regarding his conversation with Monica Reyes, as well as, other parents whose children were at G.W. Stout Elementary.

- e. Cheryl Fowler  
c/o Jerry Walz  
Walz & Associates, P.C.  
133 Eubank Blvd. NE  
Albuquerque, NM 87123

Cheryl Fowler is a school counselor at G.W. Stout Elementary. It is anticipated that Ms. Fowler will testify regarding her knowledge of the events that took place, giving rise to this lawsuit. It is also anticipated that she will testify as to Jane Doe's behavior before and after the incident.

- f. Donald Johnson, M.D.  
HMS Silver City Community Health Center  
1007 N. Pope St.  
Silver City, NM 88061

Donald Johnson, M.D., is Jane Doe's treating physician. It is anticipated that he will testify regarding the health of Jane Doe. He may also testify as to the health of Jane Doe before and after the incident.

- g. Melissa Palmer  
Tranquil Skies Mental Health Community Center  
1318 E. 32<sup>nd</sup> St.

Silver City, NM 88061

Melissa Palmer is treating Jane Doe and it is anticipated that she will testify as to her treatment rendered as a result of the incident giving rise to this lawsuit and the effect the incident has had on Jane Doe.

- h. Imelda Sanchez  
James Dean  
Moises Mascorro  
4055 Sonoma Ranch Blvd.  
Las Cruces, NM 88011

These individuals are officers and/or investigators with the New Mexico State Police. It is anticipated that they will testify as to the report filed regarding Frank Arias and their subsequent investigation thereafter. It is also anticipated that they will testify as to any reports written at the conclusion of their investigation.

- i. Tanya R. Maldonado  
Brian Maldonado  
3709 Valley Vista  
Silver City, NM 88061

Brian and Tanya Maldonado are parents of minor child, E.M., who was a classmate of Jane Doe. It is anticipated that they will testify as to the incident giving rise to this lawsuit, how the incident effected their daughter and their communications with school staff.

- j. Isaiah Genera Maldonado  
2305 E. Paul Place  
Silver City, NM 88061

Isaiah is the father of minor child, M.M., who was a classmate of Jane Doe. It is anticipated that he will testify as to the incident giving rise to this lawsuit, how the incident effected his daughter and his communications with school staff.

- k. Richard Reyes  
223 S. Corbin  
Silver City, NM 88061

Richard Reyes is the grandfather of Jane Doe. It is anticipated that he will testify as to the health and behaviors of Jane Doe before and after the incident giving rise to this lawsuit.

- l. Any witnesses identified during the course of discovery.
- m. Any witnesses identified by the Defendants.
- n. Any witnesses necessary to authenticate medical records, medical bills and/or records pertaining to the incident giving rise to this lawsuit.

2. DOCUMENTS: Plaintiffs have or will make available to Defendants the following documents:

- a. Plea and Disposition Agreement regarding D-608-CR-2018-183, signed by Frank Arias
- b. All medical records for Jane Doe- not yet in counsel's possession
- c. All medical bills incurred by Jane Doe- not yet in counsel's possession
- d. Any school incident report which may have been created by Defendant Silver City Consolidated Schools- not yet in counsel's possession
- e. Police report regarding this incident – not yet in counsel's possession
- f. Any reports generated by Plaintiff's experts- not yet in counsel's possession
- g. Audio recording of the conversation between Mr. Brown and Ms. Reyes
- h. Audio recording of the conversation between Mr. Brown, Mr. Ping and Ms. Reyes
- i. Any documents identified by the Defendants.

3. COMPUTATION OF DAMAGES: Plaintiff believes she is entitled to damages as follows:

Jane Doe is a minor. Plaintiff Monica Reyes is attempting to quantify her damages and hopes to do so once Jane Doe is seen by a psychologist.

Plaintiffs reserve the right to supplement this disclosure at a later date or through answers to Interrogatories and the discovery plan.

Respectfully submitted,

By: /s/ David M. Berlin  
David M. Berlin  
Duhigg, Cronin, Spring & Berlin  
Attorneys for Plaintiff  
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Albuquerque, NM 87103-0527  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 24<sup>th</sup> day of July, 2019, I filed the foregoing electronically through the CM/ECF system, which caused all parties or counsel registered to receive electronic service to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ David M. Berlin  
David M. Berlin